

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2016-090764

04/05/2016

HONORABLE JENNIFER E. GREEN

CLERK OF THE COURT

T. Galindo

Deputy

IN RE THE MATTER OF
MARIO MENDOZA

MARIO MENDOZA
235 W 8TH AVE # 4
MESA AZ 85210

AND

GLORIA LACHANCE

GARY D SCHNEIDER

OFFICE OF PUBLIC DEFENSE
SERVICES-CCC
TASC - MESA

MINUTE ENTRY

Courtroom SEF 401

11:08 a.m. This is the time set for temporary orders hearing. Petitioner/Father, Mario Mendoza, is present on his own behalf. Counsel, Gary Schneider, is present on behalf of Respondent/Father, Gloria LaChance, who is present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Evidence is presented by avowals on Father's Petition for Temporary Orders filed on February 26, 2016. Father informed the Court he submitted to a hair follicle test, but the Court does not have a record of the test. Mother produced a positive result (methamphetamine) for her hair follicle test, but avowed her drug tests since then have been clean.

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After hearing the evidence presented, the Court makes the following temporary orders:

IT IS ORDERED awarding Mother temporary supervised custody and sole legal decision-making. Mother will have supervised parenting time of Izabella Mendoza (DOB: 05/31/2015). Maternal Grandmother and Grandfather shall supervise Mother and Izabella at all times.

IT IS FURTHER ORDERED Father may have supervised parenting time up to six hours per week at either Arizonans for Children or Parenting Skills at Father's expense.

IT IS FURTHER ORDERED the parties may only take drugs for which they have a lawful prescription.

IT IS FURTHER ORDERED the parties will exchange Izabella at the Mesa Police Department in downtown Mesa at 130 N. Robson in Mesa, no later than 4:00 p.m. today.

IT IS FURTHER ORDERED appointing a court advisor to investigate the case and make recommendations to the Court. The appointment shall be fully set forth by separate minute entry. The court advisor shall provide this Court with a formal written report no later than 14 days prior to the next scheduled hearing.

THE COURT FINDS that a child may be the victim of child abuse or neglect as defined in A.R.S. §8-201.

THE COURT FURTHER FINDS that both parties are indigent and are unable to bear the fees and costs of the Court Appointed Advisor.

IT IS ORDERED that the Office of Public Defense Services shall reimburse the fees and costs of the Court Appointed Advisor.

IT IS FURTHER ORDERED the Court Appointed Advisor shall investigate substance abuse allegations and the mental health evaluations in this case.

IT IS FURTHER ORDERED Mother shall submit to the Court and Father her drug test results from TASC no later than 5:00 p.m. today.

IT IS FURTHER ORDERED that Mother and Father shall undergo random drug testing on the following basis:

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- A. Agency. Mother and Father's random drug testing shall be conducted at a location of TASC, Inc., the main office of which is at 2234 North 7th Street, Phoenix, Arizona, 602-254-7328. Other locations are listed on the TASC referral form and may be viewed at www.tascaz.org.
- B. First Test. Mother and Father shall report to TASC no later than **5:00 p.m. on April 6, 2016**.
- C. Scope. Mother and Father shall undergo a full spectrum substance and drug test (Screen "A") for each test ordered herein.
- D. Cooperation. Mother and Father shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:
1. Mother and Father shall provide such samples as are reasonably required by the testing agency to comply with this order.
 2. Mother and Father shall timely report for testing and provide samples as directed by the testing agency.
 3. Mother and Father shall present photo identification to the testing agency at the time of each test.
 4. Mother and Father shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. Cost. Mother and Father shall pay the cost of their testing (\$25.00 per test) in money order or cashier's check at the time of testing.
- F. Frequency & Duration. Mother and Father shall be randomly tested not less than once per week until further order of the Court.
- G. Positive/Diluted/Missed Test. In the event that Mother tests positive on any test, misses a random test, or provides a diluted test sample on any test, the cycle and frequency of testing set forth in paragraph F above, shall be started again with weekly tests. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain

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prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.

- H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a Monthly Drug Test Summary Report.

IT IS ORDERED placing this matter on the inactive calendar until **July 4, 2016**, at which time the Division staff will contact the parties to set up a trial.

IT IS FURTHER ORDERED that pursuant to the Rules of Family Court Procedure, all discovery shall be completed no later than **July 4, 2016**.

ISSUED: *Court-Ordered Substance Abuse Testing* form(s)

11:49 a.m. Hearing concludes

IT IS FURTHER ORDERED signing this Minute Entry this 5th day of April, 2016.

/s/ HONORABLE JENNIFER E. GREEN

HONORABLE JENNIFER E. GREEN
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.